

Demand for a Statement by out-going Ministers when Ministry changes.

Mr. SPEAKER.—On the 29th of October which was the first day on which the present Session of the Assembly commenced, the Leader of the Opposition the Hon'ble member Sri Kenchappa raised a matter of what he called convention. He referred to the fact that during the previous session of the Assembly there had been a change in the Ministry and immediately thereafter the Assembly adjourned. He observed that the Chief Minister was also the Leader of the House and when any such change in the office of Chief Minister and the entire Ministry took place, it was a convention that the out-going Chief Minister and the new Chief Minister should both make statements indicating the reasons which led to the change. He stated that it was due to the House that such statements should be made. On this issue several Hon'ble Members spoke at some length and I stated that I would give a considered ruling later.

I have now examined all the available precedents on this subject. I have also obtained valuable information from the Lok Sabha and the various State Legislatures. The Secretary-General to the Commonwealth Parliamentary Association has also furnished very useful material on this subject. I am thankful to all of them.

The position in the United Kingdom is stated to be that while the Speaker of the House of Commons would certainly permit a resigning Minister to make a statement about the resignation of himself or the Government of which he has been the Head, it does not seem that the House has any power to demand such a statement, but at Westminster such matters tend to be governed by political rather than procedural considerations and would, therefore, be discussed in the Press rather than in the House although references might frequently be made to the change or changes in the course of debate. A perusal of the House of Commons Debates indicates that when Mr. Stanley Baldwin, Sir Winston Churchill and Sir Anthony Eden resigned the Prime

Ministership of the United Kingdom in May 1937, April 1955 and January 1957 respectively, tributes were paid to the retiring Prime Minister and speeches were made welcoming the new Prime Minister in the House of Commons immediately after the question hour on the 31st May 1937, 6th April 1955 and 22nd January 1957 respectively. On all these aforesaid three occasions, the new Prime Minister replied to the felicitations offered to him by members after himself joining in giving tributes to his predecessor. It is evident from these events that neither the Prime Minister who resigns nor his successor makes a statement informing the House of the reasons for the change in the Ministry. However, so much would depend in any particular case on the circumstances of the change of government that they cannot be regarded as precedents. It would, therefore, appear that, so far as the House of Commons is concerned, though the House never compels a statement to be made, individual Ministers normally follow themselves the practice which permits them an opportunity to make a personal statement. But in the case of a whole Ministry political expediency or prior public knowledge often makes a statement in the House either impolitic or superfluous and it cannot be enforced by the Opposition. The Government of the day have only volunteered a statement when it seemed advantageous from its point of view to do so.

Coming to the Legislatures in India, it may be mentioned at once that there is no precedent at the Centre on this point. So far as the State Legislatures are concerned, I may refer to two cases in which such statements were made. One occurred in Bengal in 1943. Mr. Fazlul Huq resigned his office as Chief Minister and the Ministry as a whole, therefore, became *functus officio*. Mr. Fazlul Haq wanted to make a statement, but the succeeding Chief Minister Sir Nazimuddin and other members of the Government Party of time strenuously opposed on the ground that the rule did not allow a Chief Minister to make a statement in circumstances when there was a wholesale change of Ministry. Mr. Speaker

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Naushir Ali ruled that the relative rule was not limited to the case of an individual Minister resigning from the Ministry and he, therefore, permitted Mr. Fazlul Haq and the other Ministers to make statements regarding the cause of their resignation. In giving the ruling he stated: "I do not think the language of the rule warrants any conclusion to the effect that when the entire Ministry resigns, the members of the Ministry will have no right to make any personal statement. The fact that the entire Ministry has resigned will by itself be no ground for refusing consent to an Ex-Minister who may be willing to make a statement." Speaking of the duty of the Speaker in such cases, he stated: "I am, therefore, clearly of opinion that in every case of resignation, whether of the entire Ministry or of individual Ministers from the Ministry, the outgoing Minister or Ministers may, if they so choose, ask for the consent of the Speaker to make personal statements in explanation of their resignations, and on each occasion it will be the duty of the Speaker either to give consent or to withhold consent according to his discretion which, as I have already stated, will be exercised in a way so as not to curtail the privilege of the members of this House." I may, however, state that in a more recent case which arose in West Bengal when Dr. P. C. Ghosh resigned because the Party wanted to choose another Leader and Dr. B. C. Roy was elected Leader and formed a Ministry, neither of them made any statement regarding the resignation.

The other case in which a resigning Chief Minister sought permission of the Chair to make a statement and was permitted to do so, occurred in Madras when Sri Prakasam who was the Chief Minister resigned his office. On the 25th March 1951 he proceeded to make a detailed statement regarding the resignation of his Government. He spoke on the 25th and continued his speech on the 26th. On that day the Hon'ble Leader of the House Dr. P. Subborayan made a speech in reply at the request of the new Chief Minister.

In the Travancore—Cochin Assembly in identical circumstances which occurred in 1951, though a request was made by the Opposition, neither the outgoing Chief Minister nor the new Chief Minister offered to make any statement. On that occasion, Sri A. Thanu Pillai who made the request made it very clear that he did not base it on any convention. He stated as follows: "I do not say that it is incumbent upon a Minister to make a statement, but courtesy, propriety, ordinary decency requires that the House should be enlightened about the circumstances which led to all these transformations and migrations." The Speaker observed as follows: "I do not think that there is anything improper or irregular in the request for information made by the Leader of the Opposition on a matter which vitally concerns the House. It resulted in a change of the programme placed before the House and also led to an adjournment of the meeting. Information is asked for about the announced change of Ministry which the member points out has resolved itself into a change of some of the former Ministers. This is certainly a matter, on which if elucidation is forthcoming, it will not be out of place and will be welcomed by the House." Later, he proceeded to give the following ruling: "Rule 31 provides that a member who has resigned the Office of Minister may make a personal statement in explanation of his resignation and with reference to such a statement a Minister holding Office may also make a statement, but there is no provision making it obligatory on the part of either to offer any explanation or to make any statement as to the circumstances which led to the resignation. The House is free to draw its own inference from the statement, if one is made, or from the omission to make any statement."

In addition to these two types of cases, one in which statements were made and the second in which a statement was requested but was not made, there is also a third type of case in which there was a change in the Ministry, but no statement was either asked for or made. I have already referred to the case in West Bengal

when Dr. B. C. Roy succeeded Dr. P. C. Ghosh, but no statement was asked for or made.

In Orissa the Chief Minister Sri Nabha Krushna Choudhry resigned and Dr. Hare Krushna Mahatab became Chief Minister, but neither of them made any statement nor was any statement demanded from either of them.

Our Rules of Procedure provide on this subject that a member who has resigned the office of Minister may with the consent of the Speaker make a personal statement in explanation of his resignation and any Minister may thereafter be entitled to make a statement pertinent thereto. As observed by Speaker Naushir Ali in the Bengal ruling to which I have already referred, the rule applies not only to a Minister who resigns from the Cabinet but also to every Ex-Minister in the case or resignation of the entire Cabinet. Such being the case, as in the case of an individual Minister, so too in the case of a Cabinet, it is for the Minister concerned, whether he is an individual Minister or an ex-Chief Minister, if he feels like making a statement, to approach the Speaker for permission to do so, and the Speaker will exercise his discretion in such a way so as not to curtail the rights and privileges of the members of the House. Normally, I may state that in such cases consent will be automatically given unless the Speaker is convinced that to give consent will lead to an abuse of the privilege.

Of course, there are any number of cases in which an individual Minister who has resigned from the Cabinet has sought the permission of the Chair to make a statement explaining the reasons which led to his resignation. He has been usually permitted to do so in fairness to the member concerned and the Ministry is also permitted to offer remarks pertinent thereto. Such cases have occurred in the House of Commons, in the Parliament of India and in several State Legislatures. But Hon'ble Members will see that these are cases where an individual Minister has differed from the rest of his colleagues on some important matter of policy and has, therefore, resigned. The conditions and circumstances which exist in

such a case are naturally absent when the entire Cabinet resigns. Secondly, even in such cases, the Minister concerned cannot be compelled to make a statement, but only if he approaches the Speaker is he permitted in proper circumstances to make his statement. In the old Mysore Assembly when Sri T. Siddalingaiya resigned from the Ministry, Sri Imam who was the Leader of the Opposition desired that he should make a statement of the circumstances leading to his resignation. The Speaker observed that he could not compel the member to make a statement, but if a request came from Sri T. Siddalingaiya to make a statement he would consider the same. No such request was forthcoming and the matter, therefore, rested there.

From a review of all these cases it becomes clear that there is no convention whatever requiring an outgoing Chief Minister or any Minister to make a statement in the House or the new Chief Minister to do so. It is entirely within the discretion of the out-going Chief Minister whether he should or should not make a statement about the reasons which led to his resignation. Neither any member nor any section of the House nor the Speaker can compel him to do so. Speaking generally, it may be said that if the out-going Chief Minister breaks away from his Party he would perhaps choose to make a statement, but if he remains within the Party it becomes obvious that he would not make his differences within the Party public and would, therefore, refrain from making any statement. It is perhaps this circumstance as well as the fact that such matters tend to be governed by political rather than procedural considerations that accounts for the absence of any instance in which an out-going Chief Minister who remains within the Party has made or sought to make any statement about the circumstances that led to his resignation.

Finally, I would like to acknowledge the assistance that I have received from the Secretary Sri Venkataramana Iyer. He has taken great pains to collect all the available references both from books

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as well as from the other Legislatures and from the Secretary-General of the Commonwealth Parliamentary Association in order to enable me to reach a conclusion on this important and interesting point.

I am also grateful to my two friends, namely, the Speaker of Kerala Assembly and the Speaker of the Madras Assembly who were incidentally here and helped me to come to definite conclusions in this respect.

COMMITTEE ON GOVERNMENT ASSURANCES.

MR. SPEAKER.—In respect of the election of eight members to the Committee on Government Assurances by the members of the Legislative Assembly as only eight candidature applications have been received from the following eight members. They are declared elected and consequently there will be no election in this behalf.

Sriyuts:—

- 1 G. Duggappa
- 2 Gajanan Pandit
- 3 Alur Hanumanthappa
- 4 M. S. Kamtikar
- 5 C. J. Muckannappa
- 6 M. R. Patil
- 7 M. Ramappa
- 8 Y. Veerappa.

Under sub-rule (3) of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly, I appoint Sri M. Ramappa as Chairman of the Committee.

CONCURRENCE OF COUNCIL TO AMENDMENTS MADE BY ASSEMBLY TO THE MYSORE WEIGHTS AND MEASURES (ENFORCEMENT) BILL, 1958.

MR. SPEAKER.—I have received the following message from the Chairman, Legislative Council:—

“As required by sub-rule (1) of Rule 97 of the Rules of Proce-

dures and Conduct of Business in the Mysore Legislative Council, I am to intimate that the Legislative Council has agreed to the amendments made by the Legislative Assembly to the Mysore Weights and Measures (Enforcement) Bill, 1958.”

Members' representations.

*DR. R. NAGAN GOWDA (Hospet).—Sir, on a matter of urgent importance, I sent a short notice question yesterday. You were kind enough to agree to allow it and the Hon'ble Minister was also willing to give a reply to it. Since you announced yesterday that today would be the last day of this session, I would at least like to have the reply to that question from the Hon'ble Minister. The question refers to the submerged villages under the Tungbhabhra Project. Compensation is likely to be paid and while speaking on the half-an-hour discussion I had requested the Hon'ble Minister and the Government to enhance the rates.

MR. SPEAKER.—Of course, I agree that such a question came to me and I sent it on to the Hon'ble Minister. The Hon'ble Member told me that the Hon'ble Minister would reply to it, but I get no intimation at all. So, it is not put on the agenda. The Hon'ble Member and the Hon'ble Minister concerned can talk together and settle the matter.

SRI H. M. CHANNABASAPPA (Minister for Public Works and Electricity).—Sir, it is true that I have no objection for answers being given on the floor of the House. The information is being collected and if the Speaker permits me, I will have no objection to reply to it.

MR. SPEAKER.—The question does not arise now.

ಶ್ರೀ ಕುಂದೂರು ರುದ್ರಪ್ಪ (ಚನ್ನಗಿರಿ).—ಶಾಸನ ಸಭಾನವನು ಪ್ರಶ್ನೆಗಳನ್ನು ಕಳುಹಿಸುವುದು ಮತ್ತು ಅಧ್ಯಕ್ಷರು ಅವಕಾಶ ಕೊಟ್ಟರೆ, ಅದರ ಮೇಲೆ ಮಾತನಾಡುವುದು ಸಂಪ್ರದಾಯವಿದೆ. ಆಹಾರದ ವಿಚಾರ ಎಷ್ಟು ಪ್ರಾಮುಖ್ಯವೋ, ಈ ವಿಚಾರವೂ ರೈತರಿಗೆ ಸಂಬಂಧಪಟ್ಟಿರುವುದರಿಂದ ಅಷ್ಟೇ ಪ್ರಾಮುಖ್ಯವಾದುದು. ಇದು ದೇಶಕ್ಕೆ ಒಳ್ಳೆಯದಾಗತಕ್ಕಂಥ ವಿಚಾರ. ನಮ್ಮ ಅಧ್ಯಕ್ಷರು ದೇಶಕ್ಕೆ ಒಳ್ಳೆಯದಾಗ